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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,929	07/21/2003	Brian R. Young	9060-206	6464
20792	7590	06/05/2006	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			CAVALLARI, DANIEL J	
			ART UNIT	PAPER NUMBER
			2836	
DATE MAILED: 06/05/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,929

Applicant(s)

YOUNG, BRIAN R.

Examiner

Daniel J. Cavallari

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 15-22 is/are rejected.
- 7) ☒ Claim(s) 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The examiner acknowledges a submission of the amendment filed on 3/16/2006. The changes to abstract and amendments to claims 1, 2, 6-10, 12-15, 17, & 19-21 are accepted.

Response to Arguments

Applicant's arguments with respect to claims 1, 9, & 15 have been considered but are moot in view of the new ground(s) of rejection.

In regard to further arguments of Claims 1, 9, & 15

In response to applicant's argument that Lee teaches controlling luminescence levels (backlighting intensities) using a backlight circuit however fails to teach using the backlighting to indicate UPS states rather Lee uses the backlighting to minimize power consumption (Lee, Column 3, Lines 54-58), it is noted that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

The applicant does not positively recite limitations in claims 1, 9, or 15 in which to limit the term "respective states of the UPS circuit". Therefore, a power source status indication (battery level) is a reasonable interpretation of a state of the UPS circuit. Although the Examiner agrees that Lee teaches controlling the luminescence to

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minimize power consumption, the difference in the intended use of Lee and that of the applicant does not provide patentability as all of the structural limitations are met.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 6-9, 11, 15, 16, & 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US 5,995,400) and Lee et al. (US 5,854,617).

Park et al. (hereinafter referred to as Park) teaches:

- A housing (100) with UPS circuit (See figure 28) mounted inside (See Column 4, Lines 6-38).
- A UPS comprising a UPS circuit (See figure 28) operative to selectively supply power to an external load (212) coupled to an output of the UPS from first (battery, 216) and second (utility input, 210) power source.
- A display (310) operatively coupled to the UPS circuit and operative to display textual or graphical information pertaining thereto from outside the housing (See Column 4, Line 62 to Column 5, Line 23).

Park further teaches the use of an LCD display as the display (See Column 4, Lines 33-34) but fails to explicitly teach the use of backlighting to indicate respective states of the UPS circuit.

Lee et al. (hereinafter referred to as Lee) teaches a backlight circuit (30, See Figure 1) coupled to a backup power supply system (10, 20, 22, 24, See Figure 1) and operative to provide different backlighting intensities (read on by luminescence levels) of a display (50) to indicate respective states of the UPS circuit (read on by the charge level of a power source) (See Column 5, Lines 38-47). Lee further teaches the backlight circuit operative to provide a first backlighting of the display responsive to the UPS circuit powering the load from a primary power source and to provide a second backlighting of the display responsive to the UPS circuit powering the load from a backup power source (See Column 8, Lines 24-35) as well as a third backlighting of the display responsive to the UPS circuit detecting an impending failure of the backup power source, read on by a low battery in which the luminescence level is set to 0, an alarm state as well as a first state (level 7) to a normal operating state of the UPS circuit, and a second state (level 4) responsive to a cautionary state of the UPS (See Column 8, Lines 24-35 & Table 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a backlight display operative to provide different backlighting to indicate respective states (battery levels) of the UPS circuit as taught by Lee into the uninterruptible power supply system of Park. The motivation would have

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been to provide the user with an aesthetically pleasing and easy to read indicator of the battery level of the UPS and warn of low power conditions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 9, 10, 15, 16, 17, & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US 5,995,400) and Suzuki (US 2001/0041605 A1).

Park et al. (hereinafter referred to as Park) teaches:

- A housing (100) with UPS circuit (See figure 28) mounted inside (See Column 4, Lines 6-38).
- A UPS comprising a UPS circuit (See figure 28) operative to selectively supply power to an external load (212) coupled to an output of the UPS from first (battery, 216) and second (utility input, 210) power source.
- A display (310) operatively coupled to the UPS circuit and operative to display textual or graphical information pertaining thereto from outside the housing (See Column 4, Line 62 to Column 5, Line 23).

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Park further teaches the use of an LCD display as the display (See Column 4, Lines 33-34) but fails to explicitly teach the use of backlighting to indicate respective states of the UPS circuit.

Suzuki teaches changing the color of the display using a backlight to indicate the remaining power left in a battery operated system (See Paragraphs 56-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a backlight which changes color into the LCD display of the uninterruptible power supply taught by Park. The motivation would have been to provide the user with an aesthetically pleasing and easy to read indicator of the battery level of the UPS.

Allowable Subject Matter

Claims 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 12-14 include the limitation of a display that provides first and second colored backlighting displays to indicate a UPS powered from either a primary or backup power supply. Although prior art teaches changing the backlighting color of a display depending on the connected power source (See Zhang et al. US 2004/0207404), there is a lack of motivation to combine the display of Zhang et al. with the UPS system taught by Park.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Cavallari whose telephone number is (571)272-8541. The examiner can normally be reached on Monday-Friday 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Cavallari

May 22, 2006



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